

SENATE JUDICIARY

QUEST NO. 3

DATE 2/17/11

CASE NO. SB308

## OFFICE OF THE SHERIFF

## BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT

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February 16, 2011

Senator Cliff Larsen

FAX: 406-444-4362 Attn: Senator Cliff Larsen

RE: Senate Bill 308/Provide for Criminal Offense for Refusal of Alcohol Testing

Dear Senator Larsen:

I have been in contact with Montana State Representative Edie McClafferty and at this time I am rising to support her, you and your bill. We need to get a handle on the number of refusals that have occurred over the past several years in reference to individuals that are considered to be intoxicated and have failed the "field sobriety tests" in our jurisdictions. When they get to the testing procedure for either breath test or blood alcohol test these individuals are refusing these, as I believe it to be "required" tests, and are doing this for the purposes to try to avoid future prosecution for DUI charges against them.

We have had an inordinate amount of refusals over the past couple of years and I think this comes from the fact that these individuals have been given advice that if they have any hope of being found "not guilty" in a DUI case they must refuse to take this test.

These individuals are not being held accountable for their actions. I feel it is imperative that there is a penalty for those individuals that refuse to take the test, other than just the seizing of their driver's license and eventually having to pay a fee to get that driver's license reinstated.

The refusal is definitely causing problems for law enforcement, not only in the City and County of Butte-Silver Bow but throughout the state of Montana. So again, I rise in support of your bill and ask that you advise the members of your committee as such.

Respectfully,

Sheriff John P. Walsh

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